

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

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| DONALD GENE WALTON | § | |
| VS. | § | CIVIL ACTION NO. 1:20-CV-70 |
| UTMB MEDICAL, <i>et al.</i> , | § | |

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Donald Gene Walton, an inmate confined at the Mark Stiles Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed the above-referenced civil rights action pursuant to 42 U.S.C. § 1983, the ADA and RA against the following defendants: UTMB Medical, Lorie Davis, Director, Calvin E. Tucker, Warden, Robert Cade, Transportation & Supply, Monica Goodman, Captain, Rockella L. Neal, Major, Darren Wallace, Edward Delone and Stephanie Abron.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends dismissing the complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) as frivolous and for failure to state a claim.

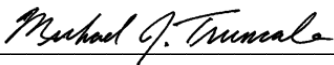
The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date.¹ Plaintiff did, however, file a Motion to Voluntarily Dismiss his claims in order to give plaintiff additional time to cure the defects in his pleadings (docket entry no. 9).

¹Plaintiff received a copy of the Report and Recommendation on November 10, 2020 (docket entry no. 7).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **PARTIALLY ADOPTED** to the extent it recommends dismissal. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

SIGNED this 3rd day of December, 2020.

A handwritten signature in black ink, reading "Michael J. Truncale", is written over a horizontal line.

Michael J. Truncale
United States District Judge